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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11 (c)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(c) CO-ORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report of the Secretary-General

INTRODUCTION

Resolution 1989/54 adopted by the Commission on Human Rights on 7 March 1989 in paragraph 4 invited the Secretary-General "to request Governments, United Nations specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre for Human Rights, while safeguarding the principle of equitable geographical distribution, in accordance with the relevant resolutions of the General Assembly and to submit a report setting out those views and opinions to the Commission at its forty-sixth session". The present report is submitted in pursuance of that request, and contains a summary of the replies received.

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I. INFORMATION RECEIVED FROM GOVERNMENTS

A. Governments

REPUBLIC OF BURUNDI

In response to the Commission's request, the Government of Burundi supports the proposal on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre for Human Rights, while safeguarding the principle of equitable geographical distribution.

CANADA

The Government of Canada favours measures to enhance the effectiveness of the Centre for Human Rights. In this regard, we particularly welcome the reference in resolution 1989/54 to the importance of ensuring that, within the United Nations, sufficient resources should be allocated to human rights in general and to the Centre for Human Rights in particular. The resolution noted that these resources should be commensurate with the high priority attributed to the human rights programme in the United Nations system.

The Government of Canada notes that the General Assembly of the United Nations reaffirmed, in its resolution 35/210 (A/35/777), the principle set out in Article 101, paragraph 3, of the Charter of the United Nations to the effect that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity". The General Assembly further reaffirms in this resolution that the paramountcy of this consideration is compatible with equitable geographical distribution. The principle set out in Article 101 was also recently reaffirmed in paragraph 30 of the report of the Commission on Human Rights to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1) and in resolution 1989/54 of the Commission.

In regard to staffing, we also note two other relevant pronouncements by the Commission. In its resolution 1989/54, the Commission reaffirmed that no post should be considered the exclusive preserve of any Member State or group of States. This should be read in conjunction with the statement in the same resolution where the Commission noted that "organizational changes, including staffing reviews and adjustments of the programme activities or resource allocation, should not adversely affect the functioning of the Centre but should rather strengthen its status and enhance its role.

FRANCE

The Government of France is fully aware of the need to strengthen the activities and means of the Centre for Human Rights, which has to face an ever-growing workload with resources that are practically unchanged. This is why the Prime Minister decided to offer the Centre for Human Rights micro-computers and software so as to help it to perform its task in optimum conditions.

With regard to staffing, the Government of France considers that it would certainly be desirable to increase the Centre's staff. Such an increase should be based, firstly, on the need to recruit persons of the highest competence and, secondly, on the principle of equitable geographical distribution, in accordance with Article 101 of the Charter of the United Nations and the third preambular paragraph of Commission on Human Rights resolution 1989/54.

MOROCCO

Considering the steady increase in the activities and tasks entrusted to the Centre for Human Rights, the Government of the Kingdom of Morocco takes the view that the Centre's activities in regard to the protection and promotion of human rights should be reinforced.

Morocco wishes to emphasize the importance of the Centre and its co-ordinating role and welcomes the efforts made to strengthen them. In this connection, it encourages and supports the endeavours of the United Nations Secretary-General.

Strengthening the activities of the Centre for Human Rights presupposes and requires an increase in the staff working in the cause of human rights, who must represent different schools of thought and social and legal systems. Morocco favours an increase in the Centre's staff provided that the opportunity is taken to recruit high-ranking staff from under-represented or unrepresented countries.

NIGERIA

The United Nations was informed on 15 January 1990 that the views of the Government of Nigeria will be furnished as soon as possible.

II. INFORMATION RECEIVED FROM UNITED NATIONS SPECIALIZED AGENCIES

FOOD AND AGRICULTURE ORGANIZATION

The Food and Agriculture Organization stated that it had no particular comments or information to offer on this matter.

INTERNATIONAL LABOUR OFFICE

Any action aimed at strengthening the activities of the Centre for Human Rights would be welcome by the ILO which maintains close co-operation with the Centre in all fields of mutual interest.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Good note is taken of the preamble of the resolution which underlines that sufficient resources should be allocated to Human Rights in order to enable the Centre to work out projects and programmes involving other organizations and thereby to play effectively its co-ordinating functions.

As the question of the co-ordinating role of the Centre is to be discussed during the forth-sixth session of the Commission on Human Rights, we take this opportunity to suggest that other organizations and institutions of the United Nations system dealing with Human Rights be invited to this meeting and take part in the debate.

III. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

MALIAN HUMAN RIGHTS ASSOCIATION (AMDH)

With regard, firstly, to representation among high-ranking staff, we think that there is inequality between central, east and west Africa.

In the case of west Africa, representation is virtually non-existent.

There are States or groups of States which consider certain posts to be their exclusive preserve, and various posts where decisions are often taken are occupied by a succession of their nationals. It is time to remedy this situation, for at a moment when a great wind of democratization is sweeping through all Europe, it is essential to introduce an element of democratic transparency as regards the recruitment of high-ranking African staff to international human rights organs.

It is necessary for Africa, and particularly west Africa, to be equitably represented within the Centre for Human Rights as far as high-ranking staff are concerned.

INTERNATIONAL COMMITTEE OF THE RED CROSS

ICRC welcomes the co-operation established between itself and the United Nations Centre for Human Rights, whether at Geneva, New York or regional training courses in human rights teaching, and wishes the Centre every success in its activities.

INTERNATIONAL INSTITUTE OF HIGHER STUDIES IN CRIMINAL SCIENCES

The Institute places its facilities and resources at the disposal of the Centre for holding regional meetings, particularly those involving the Arab world and Africa in view of the geographic physical proximity of the Institute to these regions.

The Institute is willing to conduct human rights training programmes, particularly in the field of criminal justice in co-operation with the Centre, whether conducted at the Institute or conducted in the Arab world or in Africa.

The Institute is willing to undertake a similar programme for Africa in co-operation with the Centre.

READEX FICHE

RÄDDA BARNEN

Suggests a strengthening of the United Nations Centre for Human Rights on all children's issues. A focal point for all children's matters would be appreciated. Concerning posts in the Centre for Human Rights, staff with a knowledge of children is of primary concern to us and for the full implementation of the United Nations Convention on the Rights of the Child.

When the Committee on the Rights of the Child is established, after the ratification of 20 States, there is a unique possibility for the Centre to have informal discussions on special rights of children with United Nations agencies and non-governmental organizations. For 1990 we would suggest a focussing on the child soldier issue in co-operation with United Nations agencies, the International Committee of the Red Cross and concerned non-governmental organizations.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1989/110

1. This report is submitted in pursuance of Commission on Human Rights decision 1989/110, by which the Commission postponed to its forty-sixth session the debate under the sub-item of the agenda entitled "Question of human rights in Cyprus", it being understood that "action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation".

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees; considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities; called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. As reflected in the Secretary-General's most recent reports (S/20663 and S/21010), the leaders of the two sides in Cyprus have, since August 1988, met for some 100 hours at the residence of the Secretary-General's Special Representative in Nicosia and have met with the Secretary-General on a number of occasions, jointly and separately, at United Nations Headquarters.

4. When the Secretary-General met the two leaders on 28 and 29 June 1989 he summarized in some detail the ideas which his colleagues had discussed with them in May and June and stated that those ideas offered a real possibility for bridging the positions of the two sides. He said that he had asked his Special Representative to bring them together in direct talks to complete the preparation of the outline of an overall agreement. Both leaders pledged their co-operation in completing that task and accepted the Secretary-General's invitation to meet him again in September to consider the completed outline and to launch the negotiation of an overall agreement.

5. From the latter part of June 1989, H.E. Mr. Denktash publicly expressed reservations about the process that had been followed in May and June. He subsequently indicated that because of tensions resulting from a demonstration in Nicosia on 19 July and because he had to seek guidance from other Turkish Cypriot authorities on the ideas referred to in paragraph 4 above he could not participate in the talks as scheduled.

6. As explained in his most recent report, the Secretary-General has since concentrated his efforts on finding a way to resume the talks. He remains of the view that a basis for effective negotiations does exist provided both leaders manifest the necessary goodwill and recognize that a viable solution must satisfy the legitimate interests of both communities. The discussions since last year have clearly brought out all the issues that need to be covered in an agreement, and have produced ideas that should facilitate the negotiating process. He therefore believes that it should be possible for the two leaders to proceed expeditiously to complete their work on an outline as they had agreed to do on 29 June.

7. On the occasion of the Security Council's meeting on 14 December 1989 on the renewal of the mandate of the United Nations Force in Cyprus (UNFICYP), the President issued a statement (S/21026) in which, on behalf of the members, he urged both leaders to proceed in the manner suggested by the Secretary-General and, as agreed in June, to co-operate with him and his Special Representative in completing work on the outline. They also urged the two parties to make a further determined effort to promote reconciliation and shared the Secretary-General's view that the adoption of goodwill measures could prove helpful in this regard. The members of the Council also requested the Secretary-General to report to the Council by 1 March 1990 on the progress made in resuming intensive talks and developing an agreed outline of an overall agreement.

8. Pending a settlement, the UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots, whose number stood at 611 at the beginning of December 1989, living in the northern part of the island. UNFICYP has also continued to make periodic visits to Turkish Cypriots living in the southern part and to help them maintain contact with their relatives in the northern part. UNFICYP officers have continued to interview, in private, Greek Cypriots who apply for permanent transfer to the southern part, in order to verify that all transfers take place voluntarily.

Four such transfers took place during the period 1 December 1988 to 4 December 1989. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots living in the northern part to the southern part for family and other reasons. During the period mentioned above, there were 1,304 such visits. Contacts between members of the Maronite community living on opposite sides of the ceasefire lines continued to be frequent.

9. Since the Secretary-General's last report to the Commission (E/CN.4/1989/28), the situation in Varosha has remained unchanged. Students continue to be accommodated in two hotels inside the fenced area and it has not yet been possible to obtain a date for their departure.

10. Between 1 December 1988 and 4 December 1989 the Committee on Missing Persons in Cyprus (CMP) held eight sessions, including 41 meetings, of which 25 were attended by the three Members and their assistants (formal meetings) and 16 by the three Members only (informal meetings).

11. The activities of UNFICYP, including those related to its humanitarian responsibilities, as well as a more detailed account of matters pertaining to the Secretary-General's mission of good offices, are described in the Secretary-General's most recent reports to the Security Council on the United Nations operation in Cyprus (S/20663 and S/21010).